

1772
JFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timothy W. RAWLINGS

Confirmation No.: 9275

Serial No.: 10/051,352

Examiner: Patricia L. Nordmeyer

Filed: January 18, 2002

Group Art Unit: 1772

Title: FOLDABLE PRINTABLE SUBSTRATE

PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW AN INCORRECT NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the Notice of Abandonment mailed February 2, 2005, be withdrawn in that this holding of abandonment is in error.

BACKGROUND

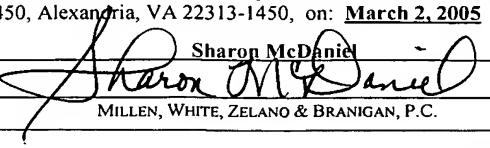
An associate Power of Attorney was executed on March 25, 2004 for members of the firm of Millen, White, Zelano & Branigan, P.C., such that an interview could be conducted between the Examiner, Patricia L. Nordmeyer, and James Ruland, one of the attorneys named in the associate Power of Attorney (see Attachment A). The associate Power of Attorney did not request that the correspondence address be changed to the law firm of Millen, White, Zelano & Branigan, P.C.

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Services as First Class Mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: March 2, 2005

Name:

Signature:


MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

9059.00 (NCRCC-96X)

The correspondence address has never been changed in this application and in fact, the reply filed subsequent to the interview indicates that the correspondence address should remain:

Douglas S. Foote, Esq.
NCR Corporation
Law Department ECD-2
101 West Schantz Avenue
Dayton, Ohio 45479-0001.

Another Office Action was issued subsequent to this reply and mailed on June 7, 2004 to the wrong address. The address was Millen, White, Zelano & Branigan, P.C., Arlington Courthouse Plaza 1, 2200 Clarendon Blvd., Suite 1400, Arlington, VA 22201.

Once received by this firm, the Office Action was promptly returned to the Patent Office on June 17, 2004 as having been received in error.

The error was recognized because the Office Action did not contain an attorney docket number that conformed to those used by the firm, Millen, White, Zelano & Branigan, P.C. and the application number did not conform to any applications for which the firm properly received correspondence. Therefore, the firm never recognized that this Office Action pertained to the above-identified application and never informed the applicant of this Office Action.

The Patent Office received the returned papers on June 23, 2004 (Attachment B) but never sent the Office Action out again to the proper correspondence address.

ARGUMENTS

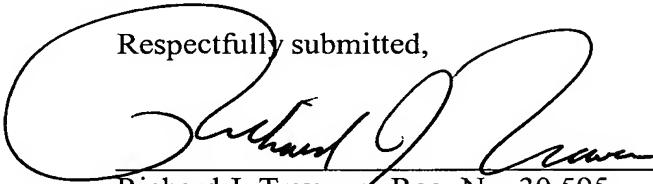
Applicants maintain they did not receive the appropriate Notice of Rejection required under 35 U.S.C. § 132 in that the mailing of the Office Action to associate counsel did not constitute proper notice. The U.S. Patent Office was provided with adequate notice of the

proper correspondence address when the application was filed and when each response was filed. The U.S. Patent Office was also promptly notified when the Office Action was sent to the wrong address. In that proper notice of the rejection was not given by the U.S. Patent Office and Applicants and their Associate counsel were diligent in taking the steps necessary to provide the proper correspondence address and avoid such improper notice, the Notice of Abandonment was incorrectly issued.

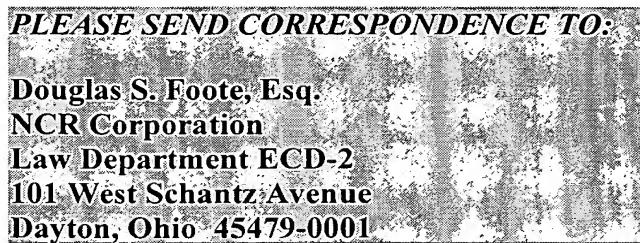
Relief Requested

It is respectfully requested that the Holding of Abandonment be withdrawn and that the enclosed response to the Office Action of June 7, 2004 be accepted.

Respectfully submitted,


Richard J. Traverso, Reg. No. 30,595

Attorney of Record



Attorney Docket No.: 9059.00 (NCRCO-0096-X)

Date: March 2, 2005

K:\NCRCo\96X\Pet to WD Inc Not of Aban.doc

ATTACHMENT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timothy W. RAWLINGS



Confirmation No.: 9275

Serial No.: 10/051,352

Examiner: Patricia L. Nordmeyer

Filed: January 18, 2002

Group Art Unit: 1772

Title: FOLDABLE PRINTABLE SUBSTRATE

ASSOCIATE POWER OF ATTORNEY

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Douglas S. Foote, an attorney of record in the above-identified application, hereby appoints as associate attorneys, I. William Millen (19,544); John L. White (17,746); Anthony J. Zelano (27,969); Alan E.J. Branigan (20,565); John R. Moses (24,983); Harry B. Shubin (32,004); Brion P. Heaney (32,542); Richard J. Traverso (30,595); John A. Sopp (33,103); Richard M. Lebovitz (37,067); James E. Ruland (37,432); Jennifer J. Branigan (40,921); and, Csaba Henter (50,908) with power to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, whose postal address is:

Millen, White, Zelano & Branigan, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Blvd., Suite 1400
Arlington, VA 22201
Phone: (703) 243-6333
Fax: (703) 243-6410

Date: 3/25/04

Douglas S. Foote
Douglas S. Foote, Reg. No. 31,013
NCR Corporation
1700 South Patterson Blvd., WHQ-5E
Dayton, OH 45479-0001

ATTACHMENT B

1772

O P E

JUN 17 2004

I. WILLIAM MILLEN
JOHN L. WHITE
ANTHONY J. ZELANO
JOHN R. MOSES
HARRY B. SHUBIN
BRION P. HEANEY
RICHARD J. TRAVERSO
ALAN E. J. BRANIGAN

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

LAW OFFICES

2200 CLARENDON BOULEVARD
SUITE 1400
ARLINGTON, VIRGINIA 22201

PHONE: 703/243-6333
TELECOPIER: 703/243-6410
E-MAIL: MAIL@MWZB.COM

RICHARD M. LEBOVITZ
JOHN A. SOPP
JAMES E. RULAND
JEFFREY R. COHEN
JEFFREY A. SMITH¹
CSABA HENTER¹
SCOTT J. MAJOR
MAUREEN L. DALL
DANIEL E. FISHER¹
JENNIFER J. BRANIGAN²

MAR 04 2005

June 16, 2004

RECEIVED
JUN 23 2004
TC 1700

U.S. Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/051,352
U.S. Patent Application No. 10/803,847

Dear Sirs:

The enclosed papers were sent to our firm in error.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

Anthony J. Zelano

Enclosures

Office Action (USP 10/051,352)
Filing Receipt (USP 10/803,847)

AJZ:bcf